



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
September 19, 2016**

**Planning Commission
Commissioners**
Shauna Pierce, Chair
Paula Watson-Gardner, Vice-Chair
George K. Farra
Sheryl Lefmann
Sara Vasquez

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:00 p.m.

The following were in attendance:

PRESENT:	Pierce, Watson-Gardner, Farra, Lefmann, Vasquez
ABSENT:	None
STAFF:	Hensley, Eoff IV, Hernandez
DEPUTY CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE

Commissioner Vasquez led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – July 18, 2016

Commissioner Watson-Gardner moved to approve the minutes with a minor correction on Commissioner Farra's vote to abstain (rather than vote no) for Resolution PC 16-13, seconded by Commissioner Vasquez, motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda.

Several members of the Acts Thrift Store expressed their interest to the Planning Commission on relocating their nonprofit organization to the shopping center of the previous Fresh & Easy at 2215 Huntington Dr. The following members provided background information and discussed the positive impact their organization would bring to the Duarte community; Violet Dimascio, Garry Mittelberg, Glen Turner, Adam Stiles, Pat Miller, Tony Reyes, Cristina Salcido, Carol and Gale Woods.

Hensley clarified for the record that an application has been filed, it was reviewed by staff and determined to be incomplete and a letter explaining information needed by the City is being prepared for the applicant.

Chairperson Pierce addressed the public and stated that the Commission cannot discuss or make comments on the item because it was not on the Agenda but appreciated their comments.

Chairperson Pierce closed Oral Communications.

5. PUBLIC HEARINGS

None

6. ITEMS FROM DIRECTOR

Conditional Use Permit 95-1 Modification Update.

David F. Eoff IV, Associate Planner, provided a summary of the operation status and compliance with Conditional Use Permit 95-1 for the Route 66 Roadhouse & Tavern located at 1846 Huntington Drive. He indicated that the last item to be completed was the interior and exterior parking lighting, adding that all of the lighting was complete and operating, and the business owner has satisfied all the conditions of approval to bring the business in full compliance with CUP 95-1. Eoff IV concluded his report and indicated that the business owner is present and available for any questions.

Chairperson Pierce opened Commissioners comments. There was none.

Hensley commented on the successful process of the Conditional Use Permit and the collaboration of the business owner.

Hensley informed the Commission that the Council approved the Town Center Specific Plan in their last meeting, along with the negotiating agreement with MJW Investments, LLC, for a future development project located on the vacant lots north of Huntington Dr. (next to the former Burger King). He indicated that the developer is designed to build a mixed-use project that will meet the intent and vision of the Town Center Specific Plan.

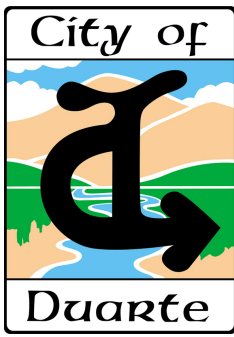
7. ITEMS FROM COMMISSIONERS

There were no comments from the Commissioners.

8. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

Craig Hensley, Secretary



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

PC Resolution 16-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DENYING
CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER AND WINE
LOCATED AT 1327 HUNTINGTON DRIVE



PLANNING COMMISSION STAFF REPORT

Date: November 21, 2016

Project: **Conditional Use Permit 16-03;** request to allow the off-site sales of beer and wine in conjunction with an existing consumer goods store (Retail Use)

Location: 1327 Huntington Drive

Applicant: Steve Rawlings, Alcoholic Beverage Consulting / Applicant; 99 Cents Only Stores / Business Owner

SUMMARY

The applicant, Steve Rawlings, is requesting approval of Conditional Use Permit (CUP) 16-03 to allow off-site beer and wine sales in conjunction with an existing consumer goods store, 99 Cents Only Stores, located at 1327 Huntington Drive. The Commercial General (C-G) zone permits retail sales; however, the off-site sale of beer and wine requires the approval of a conditional use permit by the Planning Commission.

Staff has concerns with the applicant's request for off-site sales off beer and wine, including but not limited to the increase of availability of low cost beer and wine at a high volume, which raises issues of compatibility and is considered to be an overconcentration of alcohol licenses within the shopping center. A memo was received from the Public Safety Department discouraging the proposed use, listing the continuing problems at the property with public drunkards known to frequent the subject property, loitering within the center, on-going calls for service regarding theft at Rite Aid and 99 Cents Only Store, use of narcotics, and urinating/defecating in public and in or around the shopping center.

BACKGROUND

The project site is located within the Big Lots shopping center, at the northeast corner of Huntington Drive and Buena Vista Avenue. The 99 Cents Only Store comprises approximately 12,650 square feet and is located directly east of Big Lots and north of Rite Aid. In 2011, the 99 Cents Only Store began operations after an extensive façade remodel.

The State Department of Alcoholic Beverage Control (ABC) allows off-site sales of beer and wine with various license types. The applicant is requesting approval for a Type-20 license (beer and wine only) for off-site sales in conjunction with a retail store.

Currently, there are 35 retail and/or restaurant establishments in the City of Duarte with active alcohol licenses, which include on-site and off-site licenses (Exhibit B). Twelve of the thirty-five licenses are Type-20 (off-sale beer and wine) and seven businesses maintain Type-21 (off-sale general) licenses. Four businesses within the same shopping center as 99 Cents Only Store, maintain either an on-site or off-site license: Sparr Liquor located at 1303 Huntington Drive; El Salvadoreno located at 1313 Huntington Drive; Rite Aid located at 1335 Huntington Drive; and Slaw Dogs located at 1355 Huntington Drive. Additionally, there are four businesses within

proximity of the property with an active on-site and off-site sale licenses which include: Grocery Outlet located at 1322 Huntington Drive; Young's Gourmet located at 1340 Huntington Drive; Tropicana International Market located at 1406 Huntington Drive; and Smart and Final located at 1193 Huntington Drive.

PROJECT DESCRIPTION

The 99 Cents Only Store, located at 1327 Huntington Drive, proposes off-site sales of beer and wine in conjunction with the consumer goods store. The 99 Cents Only Store is a discount store offering items such groceries, hardware, housewares, health and beauty aids, stationary, seasonal merchandise, and cleaning supplies. Approximately 30 percent of the store is dedicated to grocery sales.

The display of beer and wine is proposed along 34 lineal feet of shelf space (24" deep) located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store (Exhibit C – Plans and Exhibit D - Photos). Beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers. All beer and wine will be displayed on shelves, with no proposed cold storage.

The business hours will remain between 8:00 a.m. and 10:00 p.m., seven days a week. The average number of employees ranges between 8 and 12 per shift. A detailed description of the stores business operations has been provided in the statement of operations, which is attached for your review (Exhibit E - Applicant's Statement of Operations). Furthermore, security cameras are proposed throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure.

ANALYSIS

Section 19.60.030 of the Duarte Development Code (DDC) provides operational standards for establishments that may be granted a conditional use permit for an ABC license. Through the conditional use permit process, beer and wine sales for off-site consumption is permitted as an accessory use to supermarkets, drug stores, and other similar establishments. As defined in Section 19.160.200 of the DDC, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit. DDC operational standards for an off-site alcohol retailer license restricts the display, sale, and storage of alcoholic beverages to no more than 10 percent of the store floor area.

The display of beer and wine is proposed at the easterly back corner of the store, adjacent to chilled, freezer, and cooler stored grocery items. The proposed beer and wine display area is

approximately 34 lineal feet of shelf space totaling 68 square feet. Additionally, the proposed stock room storage is approximately 20 lineal feet totaling 40 square feet. This equates to approximately 1% of the total floor area dedicated to the display, sales or storage of alcoholic beverages. The proposed merchandising of beer and wine is: 50 to 75 percent of 750 ml bottles of wine; 10 percent of 2 and 3 packs of beer; and 15 to 40 percent of 6 packs or greater. The display of beer and wine is not proposed to be located in coolers, end-caps, on pallets or any other location other than the designated area, shown on Exhibit C.

As proposed, the area for beer and wine display is located along the back wall of the store and provides limited visibility to cashiers and managers. If the Commission wishes to approve CUP16-03, staff recommends that the beer and wine display be re-located to the area just east of the check out stands along the front wall, so it is visible and can be easily monitored by store employees.

Alcoholic Beverage Control

The State, acting through the Department of Alcoholic Beverage Control, maintains exclusive authority to license and regulate the purchase and sale of alcoholic beverage. However, the State recognizes a city's authority to regulate the location of businesses engaged in the sale of alcohol, and its secondary effects including potential nuisance effects such as noise and compatibility with the surrounding neighborhood and businesses.

Pursuant to Section 23958 of the Department of Alcoholic Beverage Control Business and Professions Code, the Department has the authority to deny an application for a license if issuance of that license would create further law enforcement problems and/or add to an undue concentration of licenses. As described in Section 23958.4, an undue concentration of licenses would be determined by the ratio of off-sale retail licenses to population in the census tract or census division, in which the application premises are located. Section 23817.5 states that the number of premises for which off-sale beer and wine license is issued shall be limited to one for each 2,500, inhabitants of the city or 1,250 inhabitants in combination with the number of premises of off-sale general licenses issued in the city. As such, the Department of Alcoholic Beverage Control may approve the beer and wine license if the applicant shows that public convenience or necessity would be served by the issuance, subject to existing conditions listed in Section 23817.7. A vicinity map has been provided showing the locations of all ABC licenses within the City of Duarte (Exhibit B).

Location and Land Use Compatibility

The 99 Cent Only Store is situated at the northeast corner of an existing shopping center, comprised of retail and restaurant uses, which include: Rite Aid, Big Lots, The Slaw Dogs Cafe, El Salvadoreno, A & P Donuts, Roman Cleaners, La Paz Medical Clinic, Secret Beauty, Mother's Nutritional Center, and Sparr Liquor. Approving a conditional use permit allowing 99 Cent Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.

This shopping center has regular issues with loitering, transient panhandling, and public drinking on the subject property and in the vicinity of Buena Vista and Huntington Drive. In addition to public nuisances, staff has documented the lack of building and property maintenance. In particular, staff noticed the removal of two exterior gates, which were previously installed as part

of the conditions of approval for an exterior façade remodel in 2011 (ARB2011-04). The gates were to be installed and maintained in order to eliminate loitering, and the lack of visibility of illegal activities known to occur on the property and in the walkway between the 99 Cents Only Store and Rite Aid. Additionally, staff noticed the deterioration of the cart corals; maintenance activities that included repainting to dissimilar paint colors on the exterior of the building; and an excessive amount of trash outside of the store, throughout the parking lot, and at the back of the store, particularly at the loading dock and overflowing trash in and around the trash enclosure. The lack of adequate maintenance and property control generates additional concern regarding compatibility if alcohol sales are added.

Security and Public Safety Department Comments

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department have focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. The sales of heavily discounted alcohol in a location of the city where there have traditionally been law enforcement issues create a legitimate concern for the community.

Public Safety has provided a memorandum to the Community Development Department describing their concerns and discouraging approval of the CUP 16-03 (Exhibit F). Based on calls for service provided by Public Safety for the past eighteen months, a total of 67 calls were reported, which were comprised of approximately 80 different incident types. Many of these calls involved alcohol or transient-related issues. A summary has been provided as part of Exhibit F. Calls for service include suspicious persons, drinking in public, on-going theft at 99 Cents Only Store and Rite-Aid, loitering, customers being harassed inside the liquor and retail stores, harassment of customers in the parking lot, excessive amount of public drunkards, trespassing and vandalism.

If the use permit is approved, a condition would be added requiring the applicant to submit a detailed security plan for review and approval by the Public Safety and Planning Departments. The applicant has provided a security plan showing the installation of sixteen security cameras throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure. The security control center and storage hard-drive would be located in the manager's office at the front of the store. Other security measures the applicant has proposed is to include new hire staff training under the California Department of Alcoholic Beverage Control L.E.A.D (Licensee Education on Alcohol and Drugs) program. It should be noted; the applicant has indicated their willingness to provide a part-time or full-time security guard.

Conclusion

The Community Development Department's recommendation to deny the applicant's request is supported by the Public Safety Department's memorandum, which expresses significant concern about negative activities occurring on the property. These activities have resulted in multiple calls for service regarding transient activity, public drinking, theft, use of narcotics,

trespassing, panhandling, and loitering. Permitting beer and wine sales does not assist the Sheriff's or Public Safety Department in their efforts to alleviate violations. Furthermore, Staff's concerns include the proposed display location of beer and wine; the packaging size and availability of beer and wine at a lower cost; the overconcentration of alcohol sales within the shopping center and areas surrounding the subject property; and would aggravate an existing policing problem.

If the Commission chooses to consider a permit for off-site sales of beer and wine, Staff would recommend conditions of approval which would include, but are not limited to: submittal of a detailed security plan to be reviewed and approved by the Public Safety and Planning Department, a condition limiting the minimum size of beer and wine sold (packaging size and/or volume), relocation of the beer and wine display area to an area more visible by employees, staff training to comply with the Alcoholic Beverage Control Board training requirements, and the requirement that the applicant provide a security guard at the front exterior of the store.

RECOMMENDATION

Based primarily on the concerns of the Public Safety Department regarding the use, Staff has prepared Resolution 16-15 (Exhibit A), recommending denial of CUP 16-03. If the Commission feels that approval with conditions is appropriate, Staff would recommend that the Commission provide Staff direction and continue the public hearing to the December meeting.

Respectfully Submitted,

Kristen Johnston
Associate Planner

ATTACHMENTS

Exhibit A – PC Resolution 16-15
Exhibit B – Vicinity Map and List of ABC Licenses
Exhibit C – Project Plans
Exhibit D – Project Photos
Exhibit E – Applicant's Statement of Operations
Exhibit F – Public Safety Memorandum and Calls for Service Log Summary

Exhibit A

RESOLUTION NO. PC 16-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DENYING CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER AND WINE LOCATED AT 1327 HUNTINGTON DRIVE

WHEREAS, the applicant, Steve Rawlings of Alcoholic Beverage Consulting, and 99 Cents Only Stores is requesting approval of Conditional Use Permit 16-03 (CUP 16-03) to allow the off-site sales of beer and wine on property located at 1327 Huntington Drive; and

WHEREAS, a public hearing on this application was held by the Planning Commission of the City of Duarte on November 21, 2016 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte; and

WHEREAS, Duarte Development Code (DDC) provides that the Planning Commission must make all of the findings listed Section 19.114.050(B)(1-5) before a conditional use permit can be approved; and

WHEREAS, the Planning Commission of the City of Duarte has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public hearing; and

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with DDC Section 19.114.050(B)(1-5), based upon substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CUP 16-03, including written staff reports and verbal testimony, the Planning Commission hereby finds as follows:

1. The proposed use is not consistent with the General Plan;

Based on the information currently available to the Planning Commission, off-site sales of beer and wine sales appear to be generally consistent with the site's General Commercial land use designation, which is "intended to provide for sites which will meet the shopping needs of the entire community." (Land Use Element, p. 15.) However, because the proposed off-site sales will increase the availability of low cost beer and wine at a high volume, the use raises issues of compatibility and overconcentration of alcohol licenses within the shopping center. Therefore, the proposed use is not consistent with Land Use Goals 1 and 2, which aim to "[m]aintain a balanced community consisting of various ... commercial activities" and "[d]evelop compatible and harmonious land uses by providing a mix of uses." (Land Use Element, pp. 2-3.) Allowing a fifth such business (approximately 45-feet, 150-

feet, 200-feet, and 350-feet) from businesses with on-site and off-site sales of beer and wine will not maintain a “balance” (or “mix”) of various commercial uses such that the commercial area “meet[s] the shopping needs of the entire community.”

2. The proposed use appears to be allowed within the subject zone and appears to comply with all other provisions of this Development Code and the Municipal Code;

Off-site beer and wine sales are permitted with a conditional use permit within the Commercial-General (C-G) zone. Based on the information currently available to the Planning Commission, [t]he use appears to be consistent with the C-G zoning as it appears to serve local and regional needs. (DDC § 19.12.010(C).)

3. The design, location, size and operating characteristics of the proposed use are not compatible with the allowed uses in the vicinity;

Pursuant to Section As defined in Section 19.160.200 of the Duarte Development Code, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit.

However, the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. As noted, the applicant’s request for off-site beer and wine sales will be the fifth ABC license issued for the property and will be located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and is located in a shopping center with existing policing problems that includes numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Therefore, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

4. Operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The 99 Cents Only Store is situated at the northeast corner of an existing shopping center comprised of retail and restaurant uses. Approving a conditional use permit

allowing 99 Cents Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.

The applicant's proposal includes the display of beer and wine at 34 lineal feet of shelf space located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store. Discounted beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers.

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. Permitting beer and wine sales does not assist with the Sheriff's or Public Safety Department in their efforts to alleviate violations.

Based on the concerns of the Public Safety Department, the proposed off-site sales of beer and wine would not enhance the harmonious and orderly growth of the City, given that the proposed use will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. The proposed use would be the fifth Type-20 ABC licenses on the property and within approximately 45-feet to an adjacent business that maintains a Type-20 license. As noted, the numerous calls for service for public drunkards, theft, loitering on the property, the use of narcotics, and reports of customers being harassed will constitute a hazard to the public convenience and general welfare of persons residing or working in the neighborhood of the proposed use

5. The subject site is not:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

Based on the information currently available to the Planning Commission, the subject site appears to satisfy the second requirement (i.e., "b"), but not the first requirement (i.e., "a"). The 99 Cents Only Store is approximately 12,650 square feet in area located within an existing shopping center on a 5.84-acre parcel. The property is located in the Commercial-General (C-G) zone at the northeast corner of Buena Vista and Huntington Drive, accessible from at least one drive aisle approach along each thoroughfare. The project site has demonstrated that it is physically

suitable to support the existing development. Although the addition of off-site sales of beer and wine within an existing commercial building will not alter the site's ability to provide public and emergency vehicle access and public services and utilities (i.e., requirement "b"), it does not appear to be "[p]hysically suitable in terms of ... location" (i.e., requirement "a") because, as noted above: (1) the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses with the proposed use adding a fifth ABC license for the property and is located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and (2) located in a shopping center with existing policing problems that including numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Subsequently, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the Planning Commission hereby adopts this Resolution and denies CUP 16-03.

SECTION 4. The denial of Conditional Use Permit 16-03 by the Planning Commission is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15270 of Title 14 of the California Code of Regulations, as CEQA does not apply to projects, which a public agency rejects or disapproves. No further environmental review is necessary.

SECTION 5. The chair shall sign this Resolution and the Secretary shall attest and certify to the passage and adoption of this Resolution, subject to a 15-day appeal, as further described in DDC Chapter 19.144 (Appeals).

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of November 2016

Shauna Pierce, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on November 21, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Exhibit B

Active Alcohol License Allowing Off-Site Consumption

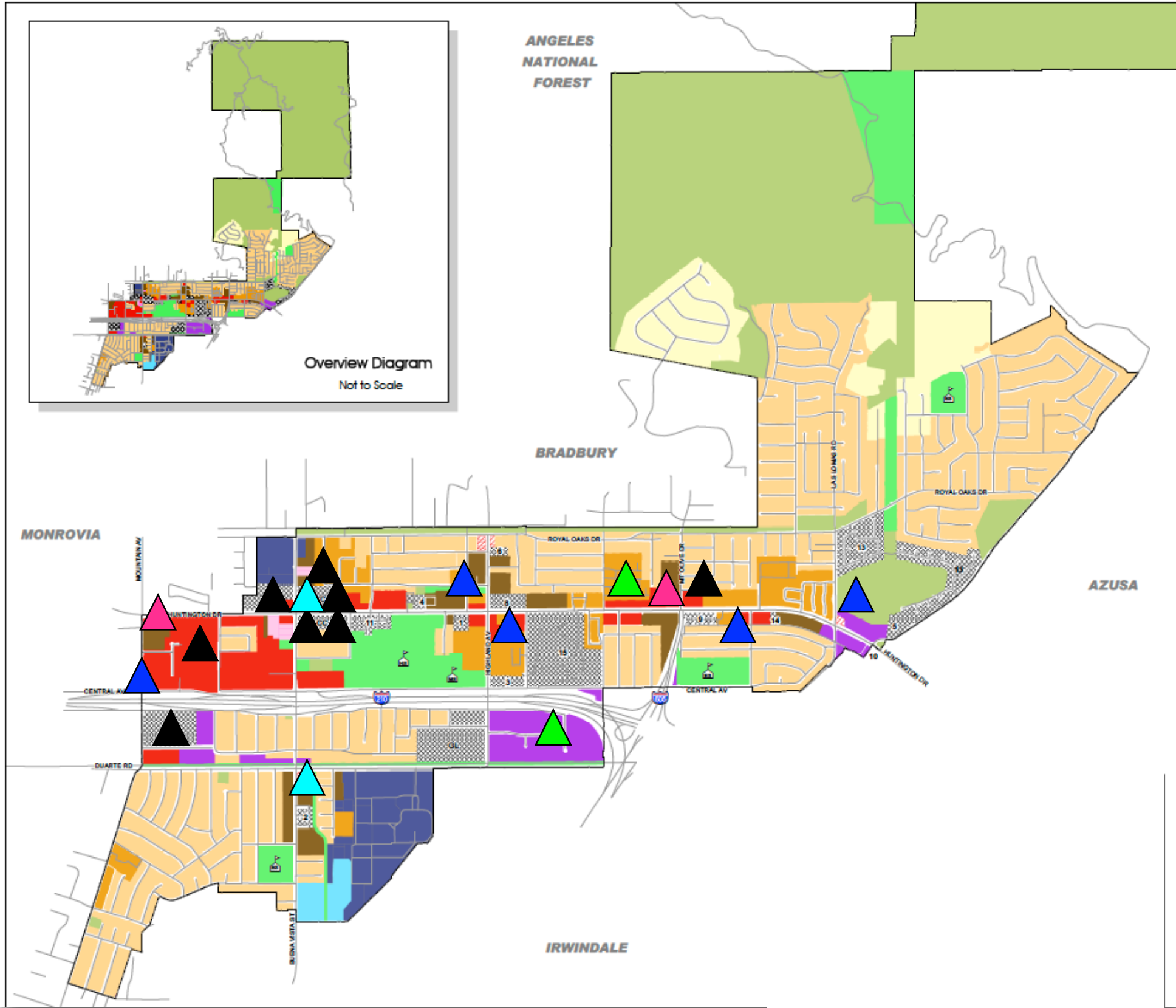
City of Duarte

Rev.11-2016

A total of 19 businesses in the City of Duarte have been granted a Conditional Use Permit to sell alcohol for off-site consumption.

12 Type 20 licenses (beer & wine)

7 Type 21 (full liquor).



Map Symbol	Use	Business Name
▲	General Retail with Accessory Alcohol Sales	Type 20: Grocery Outlet Big Lots Tropicana Market Type 21: Target Rite-Aid Smart & Final Walmart CVS
▲	Gas Station with Convenience Store and Accessory Alcohol Sales	Type 20: AM/PM Mobil
▲	Existing Liquor Store	Type 21: Sparr's Liquor Duarte Liquors
▲	Mini-Mart	Type 20: 7-Eleven (3) Quick 'N Go Duarte Drive Thru
▲	Other	Type 20: Rancho Duarte Florist D'Aquino Italian Importing Co.

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and check the Create CSV
Download Option.*

**California Department of Alcoholic
Beverage Control
Retail Licenses
For the Cities of
DUARTE**

Report as of 11/9/2016

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	268873	ACTIVE	47	03/22/1993	2/28/2017	OSF INTERNATIONAL INC 1431 BUENA VISTA ST DUARTE, CA 91010 Census Tract: 4301.01	OLD SPAGHETTI COMPANY THE	0715 SW BANCROFT ST PORTLAND, OR 97239-4273	1917
2)	235292	ACTIVE	20	09/05/1989	2/28/2017	DAQUINO ITALIAN IMPORTING CO INC 1850 BUSINESS CENTER DR DUARTE, CA 91010-2901 Census Tract: 4300.02	DAQUINO ITALIAN IMPORTING CO INC		1917
3)	375796	ACTIVE	21	05/24/2001	4/30/2017	RAMIREZ, AMALIA ZUNIGA 1302 DUARTE RD DUARTE, CA 91010-3010 Census Tract: 4301.02	DUARTE LIQUORS		1917
4)	415351	ACTIVE	41	11/24/2004	10/31/2016	RAMIREZ, MANUELA 1306-1308 E DUARTE RD DUARTE, CA 91010 Census Tract: 4301.02	DON REYES MEXICAN RESTAURANT		1917
5)	531818	SUREND	41	04/19/2013	4/30/2017	KAUR, SUKHRAJ 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
6)	572779	ACTIVE	41	10/21/2016	9/30/2017	SK RESTAURANT, LLC 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
7)	249556	ACTIVE	20	09/24/1990	6/30/2017	7 ELEVEN INC 1802 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	7 ELEVEN 2175 27055	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
8)	285920	ACTIVE	21	07/14/1993	6/30/2017	DIAB, SAMAN 1303 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SPARR LIQUOR	1303 HUNTINGTON DR DUARTE, CA 91010-2527	1917
9)	316539	ACTIVE	41	02/27/1996	1/31/2017	BORRIRUX, VATCHARA 2414 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	THAI CITY RESTAURANT		1917
10)	318758	SUREND	20	05/21/1996	4/30/2017	SONG, CHAN HOE 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	MIKES FOOD	552 MUIRWOOD DR BREA, CA 92821-6662	1917
11)	327803	ACTIVE	41	04/01/1997	3/31/2017	MEER FOODS INC 1060 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	DENNYS RESTAURANT 6986	12377 LEWIS ST, STE 201 GARDEN GROVE, CA 92840	1917
12)	370892	ACTIVE	41	01/30/2001	12/31/2016	DIPIAZZA, BERNARDO 1028 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	VILLA ITALIA RISTORANTE		1917
13)	38411	ACTIVE	21	01/01/1994	6/30/2017	THRIFTY PAYLESS INC 1335 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	RITE AID STORE 5528	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	1917

14)	388003	ACTIVE	48	06/17/2002	5/31/2017	KELBE INC 1846 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	ROUTE 66 ROADHOUSE & TAVERN		1917
15)	395517	ACTIVE	51	12/01/2004	8/31/2017	BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNI 2436 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE ELKS LODGE #1427		1917
16)	407124	SUREND	21	01/09/2004	6/30/2017	RALPHS GROCERY COMPANY 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	RALPHS 5	PO BOX 54143 LOS ANGELES, CA 90054-0143	1917
17)	410671	ACTIVE	20	04/20/2004	6/30/2017	7 ELEVEN INC 2705 HUNTINGTON DR DUARTE, CA 91010-2302 Census Tract: 4300.02	7 ELEVEN STORE 2175 20248D	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
18)	466396	ACTIVE	20	07/18/2008	6/30/2017	DEVICI DEVELOPMENT INC 902 HUNTINGTON DR DUARTE, CA 91010-2444 Census Tract: 4301.01	ARCO AMPM 82016		1917
19)	479346	ACTIVE	21	09/01/2009	8/31/2017	GARFIELD BEACH CVS LLC 2315 HUNTINGTON DR DUARTE, CA 91010-2102 Census Tract: 4300.02	CVS PHARMACY 9788	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	1917
20)	488568	ACTIVE	20	06/15/2010	5/31/2017	BADRINATH CORPORATION 2444 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE DRIVE THRU STORE		1917
21)	500152	ACTIVE	41	08/05/2010	9/30/2017	KATSE INC 1845 HUNTINGTON DR DUARTE, CA 91010-2635 Census Tract: 4300.02	CALIFORNIA SKEWERS		1917
22)	500511	ACTIVE	47	10/19/2010	9/30/2017	OTHMAN, SAEED MOHAMAD 1521-25 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	VILLAGE RESTAURANT THE		1917
23)	521506	ACTIVE	41	07/25/2012	6/30/2017	TNT DOGS HUNTINGTON, INC. 1355 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SLAW DOGS THE		1917
24)	523920	ACTIVE	41	08/08/2012	4/30/2017	YOUNG'S GOURMET INC. 1340 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	YOUNGS GOURMET		1917
25)	525612	ACTIVE	21	01/10/2014	12/31/2016	TARGET CORPORATION 1050 HUNTINGTON DR DUARTE, CA 91010-2475 Census Tract: 4301.01	TARGET T302	33 S 6TH ST, CC-1028 ATTN: ERIN COPA MINNEAPOLIS, MN 55402	1917
26)	527856	ACTIVE	41	02/13/2013	1/31/2017	FUENTES, ADILIO ERNESTO 1313 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	EL SALVADORENO		1917
27)	529508	ACTIVE	47	04/18/2013	3/31/2017	CABRERAS MEXICAN CUISINE INC 1856 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	CABRERAS MEXICAN CUISINE	625 E LIVE OAK AVE ARCADIA, CA 91006-5741	1917
28)	539601	ACTIVE	21	07/15/2014	4/30/2017	FRESH & EASY LLC 2215 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract: 4300.02	FRESH & EASY #1237	6080 CENTER DR, 6TH FLR, HOWARD HUGHES CENTER LOS ANGELES, CA 90045	1917
29)	543991	ACTIVE	41	05/22/2014	4/30/2017	CHER, SWEE KOK 1723 HUNTINGTON DR DUARTE, CA 91010-2537 Census Tract: 4301.01	SUSHI FIRE		1917

30)	548279	ACTIVE	20	04/22/2015	3/31/2017	DUARTE UNIVERSAL, INC. 2249 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract:	DUARTE UNIVERSAL		1917
31)	551825	ACTIVE	41	10/01/2015	9/30/2017	MONGOLIAN HASHEN INTERNATIONAL, LLC 1164 HUNTINGTON DR DUARTE, CA 91010-2451 Census Tract: 4301.01	HASHEN MONGOLIAN BBQ		1917
32)	563761	ACTIVE	21	06/23/2016	6/30/2017	SMART & FINAL STORES LLC 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	SMART & FINAL STORE #746	600 CITADEL DR LOS ANGELES, CA 90040-1562	1917
33)	563784	ACTIVE	47	06/28/2016	5/31/2017	MORRALITO, INC. 1501 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	MORRALITO MEXICAN GRILL		1917
34)	566013	ACTIVE	20	08/12/2016	6/30/2017	GROCERY OUTLET INC 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	GROCERY OUTLET	5650 HOLLIS ST EMERYVILLE, CA 94608-2597	1917
35)	568568	ACTIVE	20	07/21/2016	3/31/2017	TROPICANA INTERNATIONAL MARKET, INC. 1406 HUNTINGTON DR DUARTE, CA 91010-2528 Census Tract: 4301.01	TROPICANA MARKET		1917
36)	445504	ACTIVE	47	10/24/2006	9/30/2017	E N J ENTERTAINMENT INC 1000 LAS LOMAS RD DUARTE, CA 91010-2229 Census Tract: 4300.02	DUFFERS BAR & GRILL		1917
37)	503077	ACTIVE	21	12/08/2010	6/30/2017	WAL MART STORES INC 1600 MOUNTAIN AVE DUARTE, CA 91010 Census Tract: 4301.01	WALMART STORE #2401	702 SW 8TH ST, DEPT 8916 ATTN: TIM FARRAR BENTONVILLE, AR 72716-0500	1917
38)	515798	ACTIVE	20	12/20/2011	6/30/2017	7 ELEVEN INC 1430 MOUNTAIN AVE, STE 106 DUARTE, CA 91010 Census Tract: 4301.01	7 11 2175 35014A	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917

- - - End of Report ---

For a definition of codes, view our [glossary](#).

Exhibit C

EXHIBIT C

FIXTURE COUNT

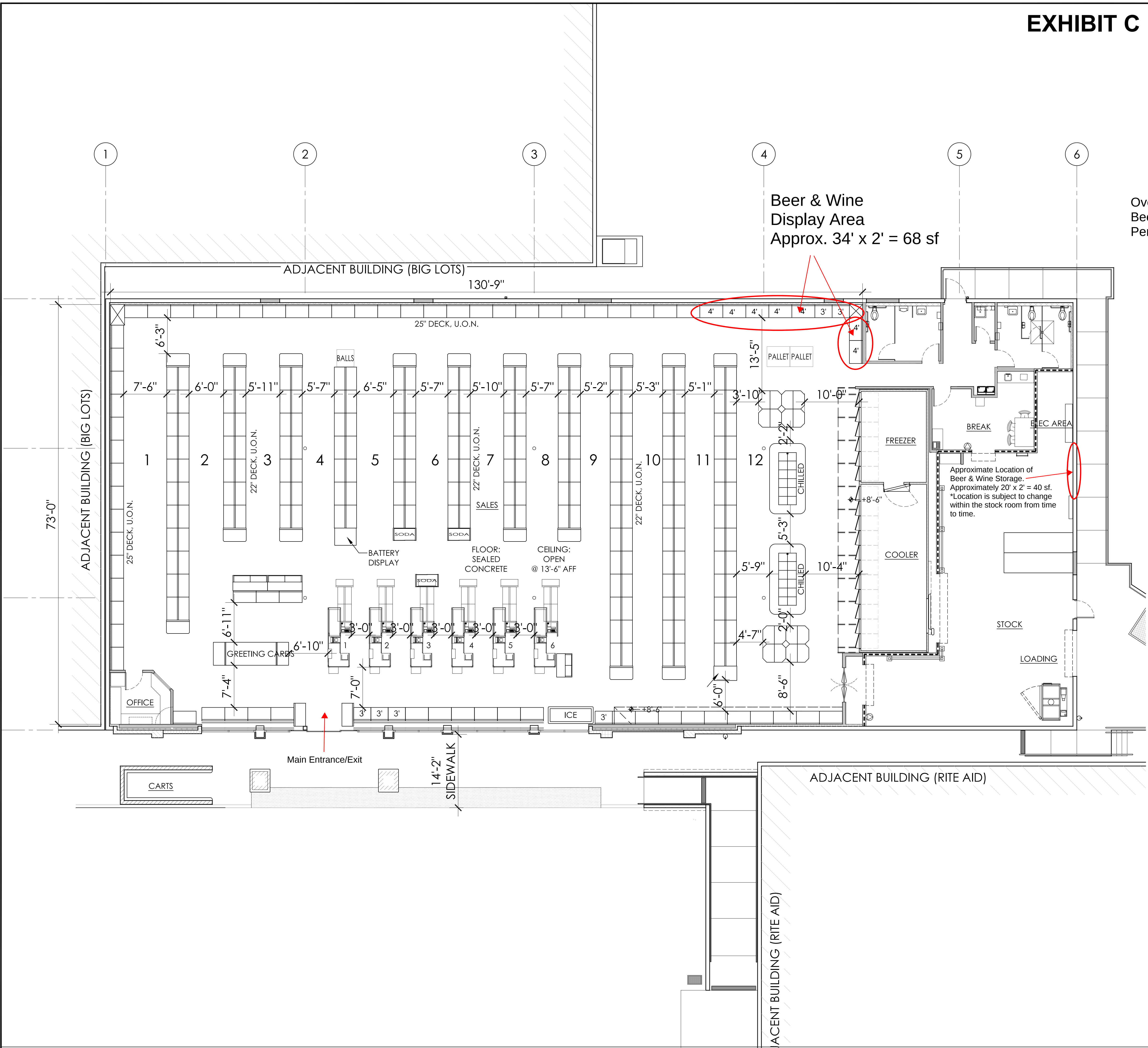
TYPE	DESCRIPTION	FIXTURE QTY.	LINEAL FEET
FIXTURES	GONDOLAS	203	812
	END CAPS	17	68
	WALL UNITS	61	241
	WINDOW DISPLAYS	13	49
	DRY GOODS	8	--
	--	--	--
TOTALS		302	1170

PMgroup Architects

16219 SE 12th STREET, SUITE 202
VANCOUVER, WA 98683
(360) 834-6536
kmc Cracken@pmdginc.com
Ken McCracken, Architect

Overall Store Size: 12,214 square feet
Beer & Wine Display Area: 68 square feet
Percentage of Beer/Wine Display: Less than 1%

Beer & Wine Display Area
Approx. 34' x 2' = 68 sf



Seal

REVISION

AS-BUILT FIXTURE PLAN

DATE

MARK

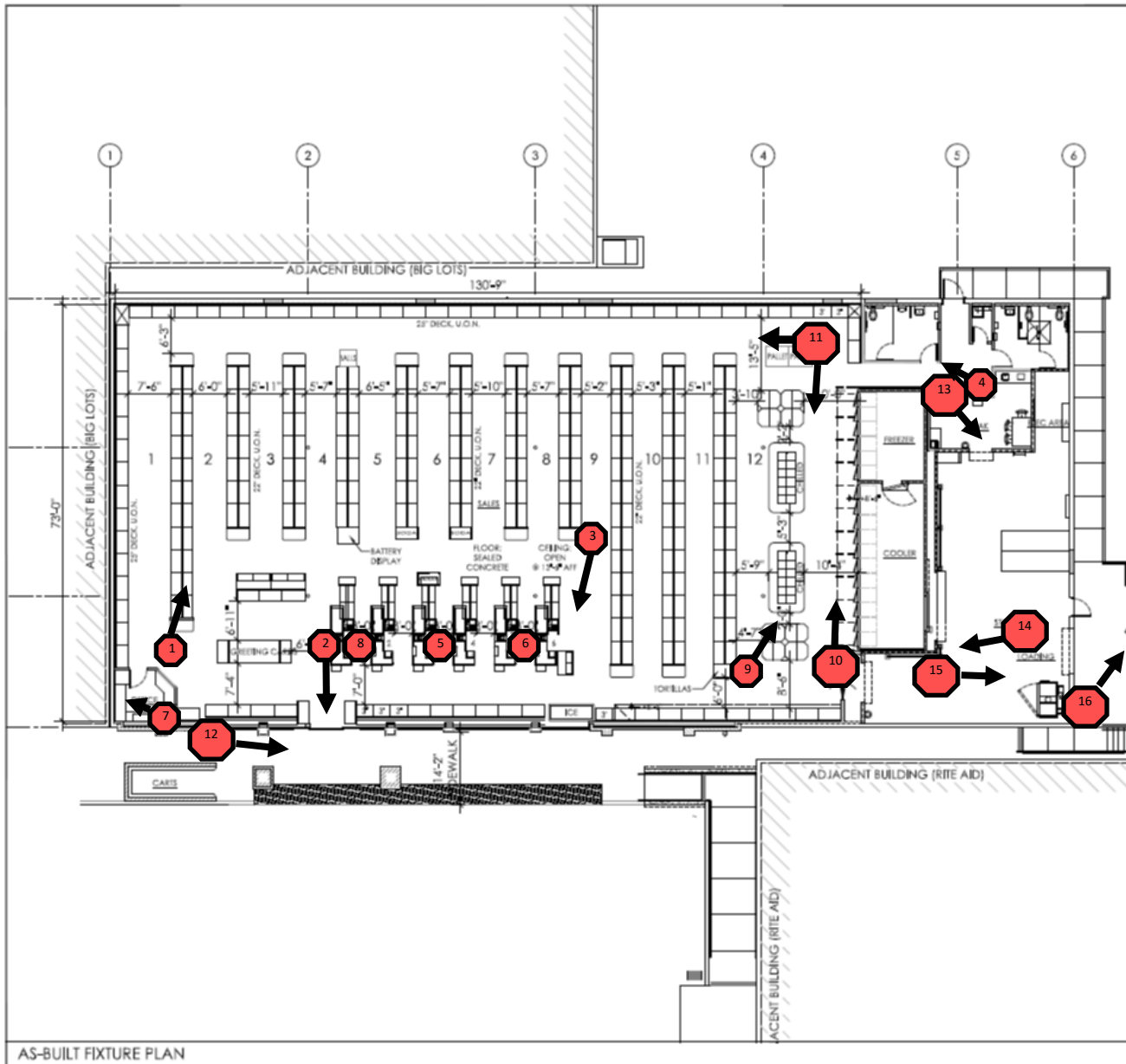
99¢
Store # 0336
1327 E. HUNTINGTON DR
DUARTE, CA

Project Number
NN14012

Sheet Name
AS-BUILT
FIXTURE
PLAN

Sheet Number

A1



Camera	Location
1	Aisle 1
2	PVM on Door
3	ICE X Shot
4	Back Hallway
5	Reg 3&4
6	Reg 5&6
7	Office
8	Reg 1&2
9	Deli
10	Produce 1
11	Produce 2/Beer/Wine
12	Outside
13	Break Room
14	Cooler/ WH Door
15	Dock/Bailer
16	Dock Ramp



Store # 0336
1327 E. HUNTINGTON DR
DUARTE, CA

Project Number
NN14012

Sheet Name
AS-BUILT
FIXTURE
PLAN

Sheet Number
A1

Exhibit D

Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit D
99 Cent Only Stores
1327 Huntington Drive



Exhibit E

Statement of Operations
99 Cents Only Store #336
1327 E. Huntington Drive, Duarte, CA
7/12/16

Proposed Additional Use: Finding of public convenience or necessity and permit to sell beer and wine for offsite consumption (Type 20 ABC License) within an existing grocery and consumer goods store.

Hours of Operation: 8:00 am to 10:00 pm - 7 days per week.

Average number of employees per shift: 8 - 12

Beer and Wine Display Area: Display of beer and wine is proposed to be 30 lineal feet of shelf space near the rear of the store. There will be no posters advertising beer or wine in store windows. Beer and malt products will be sold only in manufacturer's pre-packaged containers such as: 3-packs, 6-packs or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml in size. Wine coolers will be sold in minimum of 2-pack containers. All beer and wine will be displayed on shelves and there will be no cold storage of beer or wine.

Security Measures: Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Point of sale system prompts cashiers for date of birth entry for all alcohol transactions.

About 99 Cents Only Stores

99 Cents Only Stores is a unique retailer of primarily name-brand consumable general merchandise and groceries. They have always delivered great value to customers and provide an exciting primary shopping destination for price-sensitive consumers. The stores are attractively merchandised, clean, full service "destination" locations that offer customers significant value on their everyday household needs.

From the first store opening in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value retail stores with over 50% grocery items including a large area dedicated to fresh produce and bread.

99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including 3M, Cadbury Adams, Campbell's, Church & Dwight, Coca-Cola, Colgate-Palmolive, Con Agra, Del Monte, Dial, Dole, Energizer, Frito Lay, General Mills, Hasbro, Heinz, Hershey Foods, Johnson & Johnson, Kellogg's, Kraft, Masterfoods, Nestle, Procter & Gamble, Quaker, Revlon, Unilever and Wrigley.

Exhibit F

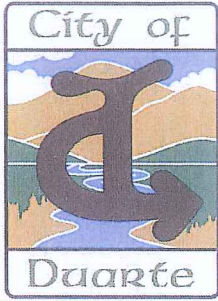


EXHIBIT F

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

Mayor
Liz Reilly

Mayor Pro Tem
Tzeitel Paras-Caracci
Councilmembers
John Fasana
Margaret E. Finlay
Samuel Kang
City Manager
Darrell George

To: Kristen Johnston, Associate Planner

From: Brian Villalobos, Director of Public Safety

Subject: CUP Hearing to Sell Off-Site Beer and Wine at the 99 Cent Store Located at
1327 Huntington Drive

Date: May 11, 2016

The Public Safety Department has serious concerns regarding the potential addition of another site allowed to sell off-site alcohol within the area of Huntington Drive and Buena Vista. The Los Angeles County Sheriff Department and the City of Duarte Code Enforcement Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, using narcotics, and urinating/defecating in public, in or around the shopping centers located at Huntington Drive and Buena Vista. The addition of another establishment permitted to sell alcohol in that shopping center in no way helps the Public Safety Department in the effort to alleviate the above noted violations.

As proof of the problems noted above, attached to this memo is a letter issued by Code Enforcement to Sparr Liquor, dated March 9, 2015, addressing the sale of alcohol to a habitual drinker in violation of Duarte Municipal Code section 5.04.240. Additionally, attached are Los Angeles County Sheriff Department patrol logs for the past year regarding drinking in public and transient related calls for Sparr Liquor, Big Lots, Rite-Aid, and the 99 Cents store. The total number of calls for those four businesses in the past year was sixty seven calls related to either to drinking or transient related issues.

Named "Most Business Friendly City 2012" by LAEDC

 - Brand of the original Andres Duarte Rancho



City of Duarte

1042 Huntington Drive, Duarte, California 91010-2592
Tel. (626) 357-7938 | Fax (626) 303-0694

Notice of Violation

03/09/2016

GRAIR, GEORGE Y TR
1303 HUNTINGTON
DUARTE, CA 91010

Subject Location:

1303 HUNTINGTON DR
DUARTE, CA 91010
APN: 8530004072
Case #: CE16-649

Dear GRAIR, GEORGE Y TR,

An inspection of your property shows that the following violation(s) exist and requires the following corrective action:

Municipal Code	Description	Corrective Action
5.04.240	Any license or permit granted or issued under the provisions of this title may be revoked or suspended by the finance director if the finance director or his or her designee determines, after a hearing pursuant to Section 5.04.250 of this code, that: (1) The holder of the license or permit has obtained the license or permit by misrepresentation; (2) The holder of the license or permit has failed to comply with one or more of the specific provisions of this code or any other resolution or ordinance of this city; (3) The license or permit is being used in contravention of any state or federal law or regulation; (4) The holder of the license or permit has not obtained or does not currently hold each and every one of the additional governmental approvals or entitlements required in order to lawfully operate the business, or alternatively, that the holder of the license or permit did not identify, on the application, certain required government approvals or entitlements that the licensee does not have; (5) The premises wherein any business described in this title is conducted are not in good and sanitary condition, or have become dangerous to or adversely affect the public health, safety, welfare, morals or peace; <u>(6) The business of the person to whom such license or permit was issued has been conducted in a manner that is dangerous to or adversely affects the public health, safety, welfare, morals or peace;</u> or (7) The license or permit is being used for a purpose different from that for which it was issued.	Per sub-section (6), you must operate your business in manner which does not adversely affect public health, morals or peace. It has been brought to our attention that your business has been selling alcohol to a known alcoholic. His name is Edwin Nikolas Storlie. A picture of this person has been provided to you with this letter. This person is known to overly intoxicate himself, thusly becoming hazardous to the public and himself. Please refrain from selling any alcohol to him or your Business license may be subject to revocation and or fine. Please feel free to provide a copy of the included photo to your staff to avoid the sale of alcohol. Thank you for your help in saving lives.

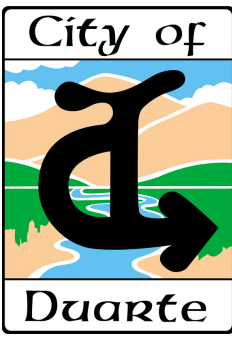
Pursuant to the DMC, the Code Violations on your property constitute misdemeanors punishable by a \$ 1,000 fine and/or six months in the county jail (DMC §§ 1.04.090-1.04.100, 9.32.150, 19.154.070). Each day the violation continues constitutes a new and separate offense for which the full misdemeanor penalty may be imposed (DMC § 1.04.100). Alternatively, or in addition to criminal action, the City could seek compliance by pursuing an administrative action and or filing a civil action including but not limited to: Administrative Citations being issued with fines ranging from \$100 to \$1000 for each offense, the City executing an Abatement and Lien, and or the submitting of a Sub-Standard Lien against the property with the Los Angeles County Recorder (DMC §§ 1.08.040, 9.32.140, 19.154.070, 19.154.080). Finally you should be aware that if the City prevails in any legal action, the City could be awarded attorneys' fees (DMC §§ 9.32.160, 19.154.100).

Furthermore, we are providing you notice that "in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year" for any property that is deemed a violation of the DMC. (Cal. Health & Saf. Code § 17980(d)). Moreover, as required by law, we are hereby providing you notice that it is unlawful for a lessor to retaliate against a lessee pursuant to Section 1942.5 of the Civil Code for

EXHIBIT F
CALLS FOR SERVICE SUMMARY
MAY 2016 to NOVEMBER 2016

Drinking in Public / Public Intoxication	Loitering/ Trespass/Refusal to Leave Premises	Other (i.e. warrants, indecent exposure, graffiti)	Harassment	Panhandling	Controlled Substance	Burglary / Theft	Assault	Vehicle Code Violation	Public Disturbance
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	2	1
1	1	1	1	1	1	1	1		1
1	1	1	1	4	1	1	4		1
1	1	1	1		5	1			5
1	1	6	1			1			
1	1		1			1			
1	1		1			8			
1	1		1						
1	1		1						
1	1		1						
12	1		12						
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	22								

67 Drinking or Transient Related Issues - PS
80 Incident Summarized from Call Logs - CDD



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

PC Resolution 16-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A LARGE HEALTH & FITNESS FACILITY WITH LATE NIGHT HOURS AT 1008 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE SECTION 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 16-05 SUBJECT TO CONDITIONS OF APPROVAL



PLANNING COMMISSION STAFF REPORT

Date: November 21, 2016

Project: Conditional Use Permit 16-05
New Health & Fitness Facility with Late Night Hour Operation (TNT Fitness Bootcamp)

Location: 1008 Huntington Drive (Mountain Vista Plaza)

Applicant: Taylor Smith, Tavis Smith, Business Owners

SUMMARY

The applicants, Taylor and Tavis Smith, are requesting approval to operate a health & fitness facility with late night hours at 1008 Huntington Drive. The facility will be located in an existing vacant tenant space that is part of a large shopping center in the Mountain Vista Plaza (Target). The facility will operate in a class setting, following a predetermined schedule. Classes will be offered Monday through Saturday, with each session approximately 45-50 minutes long. The applicant is also requesting approval to operate during late night hours. The facility will offer classes as early as 5:00 a.m., which falls within the time of late night hours as defined by the Duarte Development Code.

The operation of a health & fitness facility in the Commercial-Freeway (C-F) zone that is greater 2,000 square feet requires approval of conditional use permit by the Planning Commission. Additionally, any commercial activity occurring between the hours of 12:00 a.m. midnight and 6:00 a.m. also requires the approval of a conditional use permit from the Planning Commission.

PROPERTY DESCRIPTION

The project site is located within the Mountain Vista Plaza shopping center. The property is zoned Commercial-Freeway (C-F) and contains five (5) separate buildings with commercial, retail, and service uses. The tenant space is located within the multi-tenant building adjacent to Target. Currently, there are eighteen tenant spaces within this portion of the building; the proposed fitness facility will occupy one of the vacant spaces (Exhibit B).

PROJECT DESCRIPTION

The proposed TNT Fitness Bootcamp health & fitness facility is a studio style, functional fitness gym. The facility is a membership only gym that will operate in a class setting providing group fitness training in 45-50 minute sessions. Members of the facility will attend at designated times unlike a typical gym where members come and go throughout the day. The facility will operate Monday through Saturday, and will be closed on Sunday. Typically, one class is scheduled per hour, on the hour. Ten group classes will be offered Monday through Friday, five in the morning between 5:00 a.m. and 10:00 a.m. and five in the afternoon/evening between 4:00 p.m. and 9:00 p.m. On Saturday there will be five morning classes from 7:00 a.m. to 12:00 noon. When classes are not in session during the week, generally between 11:00 a.m. and 4:00 p.m. the facility will be closed or open by appointment only. Classes or appointments will not be scheduled on Saturday afternoons or on Sundays, as the facility will remain closed during those times. The largest class size the business operation can accommodate during a single session is 20 members. However, the applicant expects an average of 5 to 10 members per class, along with 1-3 employees/trainers.

The facility's operation is mainly focused on the use of open floor space, within the tenant space, and will utilize a minimal amount of training equipment. The nature of the facility involves a constant variety of functional movements performed at a high intensity. Such activities consist of cardio and functional-strength training, circuit-style workouts that toggle between cardio and muscle building, conditioning, agility, performance and endurance, muscle building, and weight loss. The floor plan is attached as Exhibit B. The facility will be equipped with a stereo system to lightly play music in the background during class sessions. However, the music is kept at a low level so members are able to hear the fitness instructors. All class and training activities will be conducted inside the tenant space only. No training activities will be conducted outdoors within the parking lot or around the perimeter of the shopping center. Lastly, the facility does not contain, nor will it provide, onsite locker rooms, showers, spas, saunas, massage or childcare

ANALYSIS

The operation of the health & fitness facility is suitable for the location and size of the vacant tenant space. The proposed facility will focus on the use of open floor space and operate as a private membership facility that only offers class sessions. Unlike a typical health & fitness facility, members will not be able to come and go as they please throughout the day, which helps to control and monitor business activities.

Two concerns typically associated with training facilities include potential outdoor activities and noise. To address these concerns the business owner will conduct all of the business activities inside the tenant space and will keep the entry doors closed during training sessions. No outdoor training/fitness activities will take place in the parking lot area or throughout the shopping center. The tenant space will also be improved with rubber floors/mats to help alleviate any additional noise related to the fitness activities or equipment. The fitness facility will provide background music during training sessions, however the music is not a critical component of the training activities and will remain at a low level. The training style requires members to hear and follow specific directions from the instructor, which would be challenging with music playing at a high level. The operational characteristics will minimize potential impacts to the shopping center and surrounding businesses, and have been included as conditions of approval. Staff will monitor the business activities to ensure negative impacts do not occur and the health facility remains in compliance.

The class schedule will be limited to 10 classes daily during the week and 5 classes on Saturday. Each class will begin on the hour within the operation schedule and last a maximum of 50 minutes. Both have been included as a condition of approval. The 10-minute gap between classes will allow time for members from the previous class to leave the facility and/or parking area prior to members for the following class arriving. Incorporating a gap between classes helps minimize impacts to parking and traffic, and impacts on the neighboring businesses.

The proposed class schedule of the fitness facility was compared to the hours of operation of the existing businesses in the vicinity. Within this multi-tenant portion of the shopping there are 17 tenant spaces, 12 are occupied and five remain vacant. The businesses nearest the health facility include Chase Bank (adjacent space), Supercuts (adjacent space), cleaners, dental office, and a quick-food restaurant. The facility's morning session begins at 5:00 a.m. and ends at 10:00 a.m. Beginning operations at 5:00 a.m., which is considered Late Night Hours by the Duarte Development code, will cause no impacts to the shopping center since none of the businesses open until 7:00 a.m. at the earliest (cleaners). The two businesses adjacent to the facility (Chase, Supercuts) open at 9:00 a.m. The health facility morning sessions end at 10:00 a.m. This creates an overlap of only one hour and is unlikely to have any significant impacts.

The biggest overlap is seen with the evening classes during the week and the morning classes on Saturdays. During the week the facility resumes operation at 4:00 p.m. for the afternoon/evening sessions. Between 4:00 p.m. and 9:00 p.m. all of the nearby business are open, with two remaining open until 9:00 p.m. (Supercuts and Hong Kong Express). The bank and dental office close at 6:00 p.m., creating an overlap of only two hours, which is unlikely to cause impacts. The bank tends to get customers in and out in a timely manner, while the dental office operates by appointment only and can only accommodate a certain number of clients at once. The businesses operating later in the evening are also unlikely to see a significant impact by the health facility. The hair salon operates by appointment and uses an online check-in service that allows customers to make an appointment and check the average wait time. This prevents an overflow of customers arriving and/or waiting for long periods of time at the salon. The restaurant contains a typical quick-food style operation providing food options that are ready upon ordering. Unlike a typical restaurant, customers do not have an extended wait time for their food, nor do they tend to remain at the restaurant for long periods of time.

On Saturday the facility provides classes between 7:00 a.m. and 12:00 noon. The hair salon opens at 8:00 a.m. and the bank opens at 9:00 a.m. While the overlap is nearly hour for hour, it is still unlikely the facility will impact the businesses. The applicant has stated that the average class size ranges from 5 to 10 members. The nature of the health facility requires space for the fitness activities, which limits the number of participants per class. Classes on the smaller side will have less impact on the available parking, and according to the applicant, the weekend classes tend to be smaller in size on average. Lastly, the previous tenant was Opportunities For Learning, a charter school that provides grades 7-12. The school offered a variety of instruction methods ranging from independent study, online classes, and tutoring services. From a land use perspective, a school tends to be a more intense use than a structured health facility. The operation of the health facility, including the class schedule, duration and sizes are likely to be less impactful than the previous tenant.

The shopping center is well maintained and accommodating for a variety of uses. The shopping center contains adequate lighting on the building and throughout the parking lot area, which is suitable for the early morning and late evening training sessions. The tenant space is visible from Huntington Drive and within the shopping center. Additionally the tenant space contains large storefront windows, allowing visibility into the tenant space.

RECOMMENDATION

Based on the information provided in the Staff report, Staff recommends that Planning Commission review the information and adopt PC Resolution 16-14 approving Conditional Use Permit 16-05 to allow the operation of a health & fitness facility with late night hours, subject to conditions of approval.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

ATTACHMENTS

- Exhibit A: Project Description and Proposed Class Schedule (Operational Statement)
- Exhibit B: Project Plans
- Exhibit C: General Project Info
- Exhibit D: PC Resolution 16-14

Exhibit A

TNT FITNESS BOOTCAMP – AT 1008 HUNTINGTON DRIVE

PROJECT DESCRIPTION (10/16/16)

- ❖ **Summary Overview** - The TNT Fitness Boot Camp (or TNT Fitness) project consists of the establishment of a new physical fitness business in an approximate 2,800 square foot space located at 1008 Huntington Drive within a multi-tenant building at the Mountain Vista Plaza shopping center.
- ❖ **Project Location** - TNT Fitness would be located at 1008 Huntington Drive within the largest multi-tenant building at the Mountain Vista Plaza shopping center. The proposed suite location, which is currently vacant, is situated near the Huntington Drive street frontage, between the existing Chase bank facility and Supercuts hair salon.
- ❖ **Request for Project Approval** - Table 2-5 under Section 19.12.020 of the Duarte Development Code requires that health/fitness facilities greater than 2,000 square feet be permitted only with an approved Conditional Use Permit (CUP). Because the proposed tenant space totals 2,800 square feet, a CUP is requested to conditionally allow operation of the new TNT Fitness business. In addition, TNT Fitness requests approval to conduct business during early morning hours, thus also requiring CUP approval for “late night hours” operation.
- ❖ **Proposed Commercial Uses** - TNT Fitness is a “boot camp” style physical fitness facility whereby client/customers would attend scheduled classes led by a qualified instructor or trainer and conducted indoors at the facility. Fitness equipment is intended only for individuals participating during scheduled classes. Use of the facility is not anticipated outside of participation in scheduled classes. The TNT Fitness company owners currently operate two similar facilities in the cities of Rancho Cucamonga and Glendora.
- ❖ **Mountain Vista Plaza / Site Plan** – Mountain Vista Plaza consists of five separate buildings, three configured as multi-tenant buildings and two occupied solely by restaurants. The shopping center is designed with one major/anchor tenant space and other flexible tenant areas that can be easily configured to accommodate a range of tenant suite needs. Primary access to the center is from Huntington Drive, with three secondary access driveways from Bradbury Avenue and fourth secondary access at the center’s southwest corner, which is indirectly accessible from Central Avenue and Mountain Avenue. As currently configured, Mountain Vista Plaza consists of approximately 175,334 square feet of leaseable space within 5 buildings and 717 shared parking spaces (representing an existing parking ratio of 1 space for each 245 square feet of shopping center area, or 1:245). Presently, approximately 25.6% of the center is occupied by restaurant uses, 35.2% occupied by commercial “service” uses and 9.8% is vacant.
- ❖ **Floor Plan Space** – TNT Fitness would occupy a 2,800 square foot tenant space, approximately 40 feet (wide) by 70 feet (deep). The floor plan configuration for TNT Fitness is uncomplicated and consists primarily of a large, open workout/class instruction area with a small office area (approximately 10’ x 10’) located near the front entrance, two private restrooms at the rear of the unit and a small storage closet (for cleaning supplies and small equipment storage). No lounge or changing rooms would be provided.
- ❖ **Hours of Operation** – Proposed operational hours for TNT Fitness would be weekdays, Monday through Friday; from 5:00 a.m. to 9:00 p.m., and Saturdays from 7:00 a.m. to 12:00 p.m. (noon). The business would be closed on Sundays.
- ❖ **Operational Characteristics (Classes/Clients/Employees)** – Approximately 10 group classes would be scheduled each week day, allowing for five morning sessions and five

evening sessions. Also, up to five morning sessions would be scheduled on Saturday mornings. Typically, one class is scheduled per hour for the periods between 5:00 a.m. and 10:00 a.m., and 4:00 p.m. and 9:00 p.m., each weekday. Similarly, one class per hour between 7:00 a.m. and 12:00 p.m. on Saturday would be held. Each class or training session would last between 45-50 minutes. Typically, fitness customers are adults of all ages. Periodically, sessions may be scheduled specifically for young adults and children. During the daytime, when classes are not in session (i.e., generally between 11:00 a.m. and 4:00 p.m.), the facility would be closed or open only by appointment only (such as for meeting with new customers). No classes would be scheduled on Saturday afternoons or Sunday, and the fitness facility would be closed during those times.

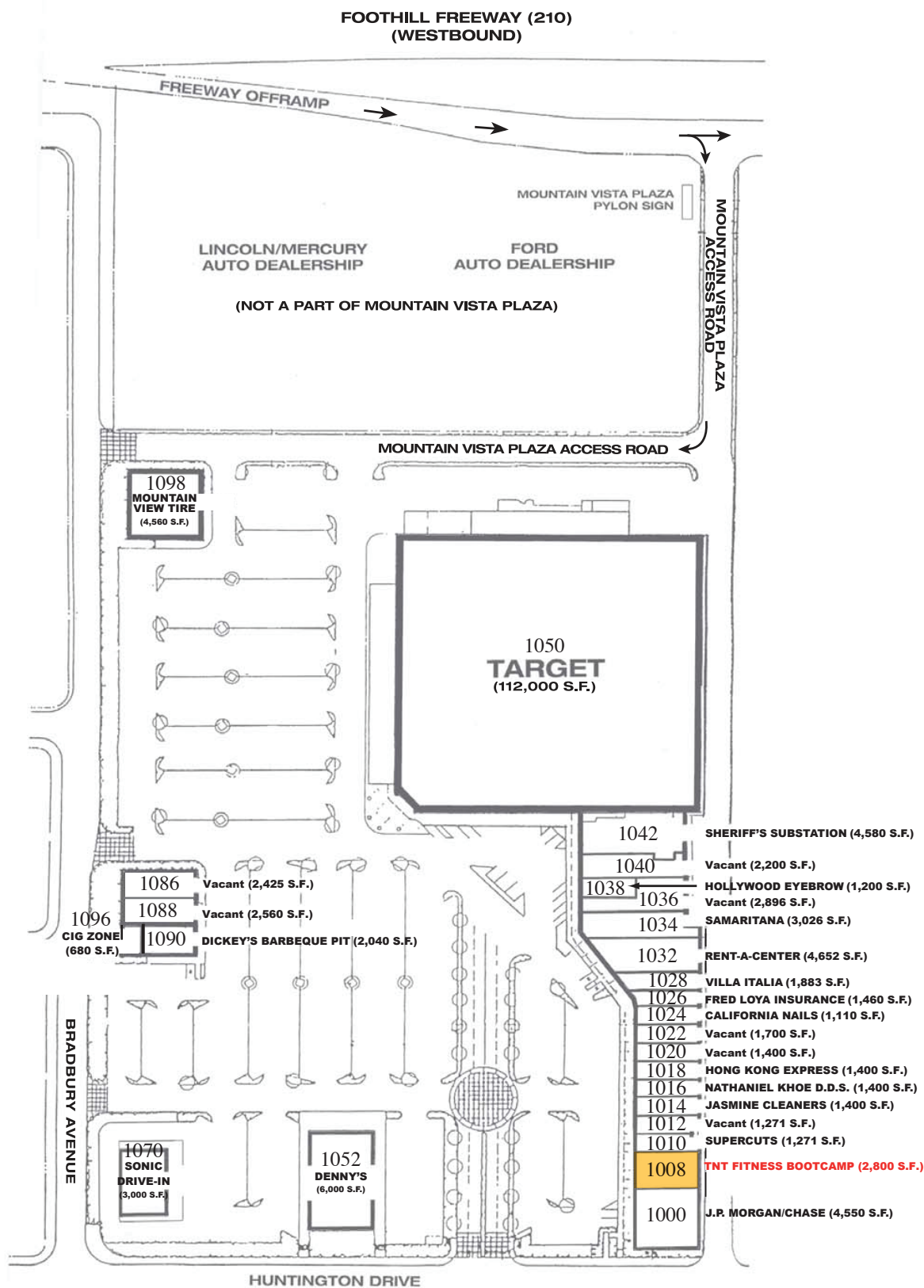
Class sizes typically range from 5 to 10 participants on average, but the facility would be designed to accommodate class sizes up to 20 participants (maximum). Based on observations of TNT's other two facilities, the most popular and peak attendance class times are the 5:00 a.m., 6:00 a.m., 5:00 p.m. and 6:00 p.m. sessions. Participants typically arrive 1-5 minutes in advance of the start of class and leave immediately after class ends. The facility would not provide any changing rooms, shower facility or lockers. No customer lounge would be provided. Scheduling classes one per hour and limiting sessions to 50 minutes allows adequate time for the previous class participants to leave the parking area before participants for the following session arrive, thus minimizing traffic and parking congestion. During the course of a typical weekday, TNT Fitness would anticipate an estimated 100 members attending throughout the day.

All class sessions would be conducted fully indoors within the tenant space. No class or training sessions would be conducted within the parking lot or perimeter of the shopping center area. Typically, a single employee is on site although up to 3 employees may be present during peak hours.

- ❖ **Signage** - It is anticipated that signage consistent with the Mountain Vista Plaza master signage plan would be installed to identify the business. A request for sign permit will be processed separately at a future date.
- ❖ **Commercial Freeway Zone Limitations** – Duarte Development Code establishes certain limitations for shopping centers within the Commercial Freeway (C-F) zone. Section 19.12.040 requires that no more than 40% of the leasable gross space can be devoted to eating and drinking establishments. Current restaurant space utilization at Mountain Vista Plaza is 25.6%. Because the proposed fitness facility would not introduce any new eating/drinking establishments, the restaurant utilization would remain unchanged and consistent with this requirement. Section 19.12.042 establishes a 50% maximum limitation of service-based uses. Under the DMC, TNT Fitness is classified as a serviced-base use. Current service-based uses at the Mountain Vista Plaza are 35.2%. With addition of the 2,800 square feet fitness center, the service-based utilization would increase to 39.6%, which remains consistent with this requirement.

Exhibit B

Site Plan



MOUNTAIN VISTA PLAZA

1000 – 1098 Huntington Drive, Duarte, California

All data is approximate

KEY:

10## = Suite Address

rev. 9/20/16

TNT FITNESS – MOUNTAIN VISTA PLAZA
1008 HUNTINGTON DRIVE, DUARTE, CA

FLOOR PLAN

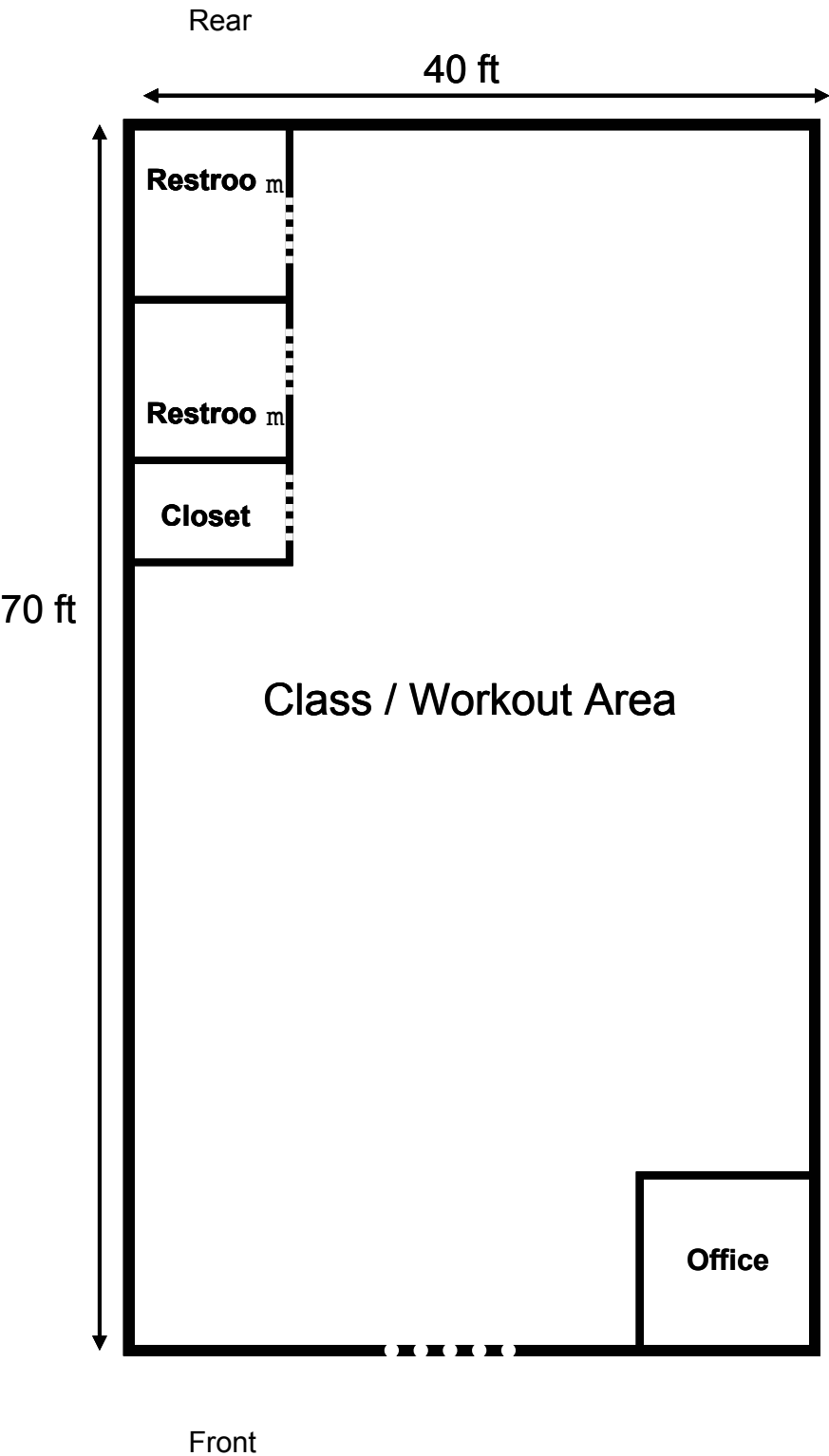


Exhibit C

Exhibit C
General Property Information
Conditional Use Permit 16-05
1008 Huntington Drive (TNT Fitness Bootcamp)

PROPERTY CHARACTERISTICS

Property Address: 1008 Huntington Drive

APN: 8530-014-040

Owner: Mountain Vista Plaza

Lot Area: **Project Site:** Approximately 6.48 acres

Public Notice: A public hearing notice was published in the "Duartean" and posted at Duarte City Hall, Public Safety Office, and Public Library on November 5, 2016. Two hundred and twenty-two (222) public hearing notices were also sent to property owners within 600' of the subject property on November 3, 2016.

Environmental: Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1, of Title 14 of the California Code of Regulations. Therefore, no further environmental documentation is necessary in accordance with CEQA Guidelines and a Notice of Exemption will be prepared for the project.

General Plan: General Commercial

Zoning: Commercial-Freeway (C-F)

SURROUNDING ZONES & LAND USE

LOCATION	GENERAL PLAN	ZONING	LAND USE
North	General Commercial	Commercial-Freeway	Commercial/Retail
South	General Commercial	Commercial-Freeway	Commercial/Retail
East	General Commercial	Commercial-Freeway	Commercial/Retail
West	Medium Density Residential	R-3 Multiple Family	Single-Family Residential

Exhibit D

RESOLUTION NO. PC 16-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A LARGE HEALTH & FITNESS FACILITY WITH LATE NIGHT HOURS AT 1008 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE SECTION 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 16-05 SUBJECT TO CONDITIONS OF APPROVAL

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a health & fitness facility at 1008 Huntington Drive; and

WHEREAS, the applicant is requesting approval of late night hours as part of the operation of the proposed health & fitness facility; and

WHEREAS, a health & fitness facility that is 2,001 square feet or greater located in the Commercial-Freeway (C-F) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.16.020.A(1); and

WHEREAS, late night hours, which includes any nonresidential activity occurring between the hours of 12:00 a.m. midnight and 6:00 a.m., is allowed with an approved conditional use permit; and

WHEREAS, the Planning Commission has considered the associated late night hours as part of the project proposal for the operation of a health & fitness facility; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 16-05 and all of the information, evidence and public testimony received at the public meeting held on November 21, 2016 at 7:00 p.m. in the City Council Chambers;

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. That the Planning Commission approves PC Resolution 16-14 with conditions, the request for Conditional Use Permit 16-05 with late night hours at 1008 Huntington Drive.

SECTION 2. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 3. The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as:

1. The proposed use is consistent with the General Plan;

The health & fitness facility is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. The use is also consistent with the General Commercial land use designation by providing for the development of uses that will meet the needs of the entire community.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

A large health & fitness facility (2,001 square feet or greater) is permitted with a Conditional Use Permit within the Commercial-Freeway (C-F) zone. The use is consistent with the C-F zoning designation as it provides and added service and convenience for the community. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

The health & fitness facility will occupy one of 17 tenant spaces within an existing multi-tenant building of the Mountain Vista Shopping Plaza. The facility's space is approximately 2,800 square feet, which is sufficient for accommodating the use and fitness activities. The health facility is compatible with the project site and other uses in the vicinity. It will have minimal impacts to surrounding uses, as class schedules have been designed to avoid conflict with other business and have also been limited throughout the week and weekend. All of the fitness activities will occur indoors, within the confines of the subject tenant space. Furthermore, the operation of the facility complements the existing businesses by following a predetermined class schedule that has minimal conflict with adjacent businesses and by limiting the number of members per class. The late night hours of operation will also create minimal conflict as none of the existing businesses are in operation, and the facility is within a commercial shopping center that is designed to accommodate a variety of uses with a range of operational hours. The facility includes a start time of 5:00 a.m., however with all the activities indoor, minimal class sizes and minimal noise, the business will complement the shopping center and other uses.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The health & fitness facility is allowed with a conditional use permit in the C-F zone. The operation of the facility is designed to minimize the intensity of the use and limit any potential conflicts with adjacent businesses and surrounding developments. Conditions of approval have been imposed to help avoid adverse and detrimental impacts on the City and surrounding community. The facility will operate on a set class schedule with restrictions on the maximum number of members per class. Due to the operational characteristics and the implementation of conditions of approval, the operation of the health & fitness facility is compatible with the site and adjacent uses and is not anticipated to be detrimental to the general welfare of surrounding areas. Furthermore, the late night hours will not create any adverse impacts as the facility is within a commercial shopping center that is designed to accommodate a variety of uses with a range of operational hours. The facility includes a start time of 5:00 a.m., however with all the activities indoor, minimal class sizes and minimal noise it is unlikely the late night hours will be detrimental to the general welfare of the shopping center and surrounding businesses.

5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical)

access and public services and utilities; and

- b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

The site consists of several parcels that collectively form the Mountain Vista Plaza shopping center, located in the C-F zone. The center is accessible from Huntington Drive and Bradbury Avenue. Onsite circulation will not be altered and is suitable for the existing uses, the health & fitness facility, and emergency vehicle access. The multi-tenant building in the shopping center is divided into seventeen tenant spaces. Eleven of the tenant spaces are occupied. The proposed health & fitness facility will occupy one of the remaining tenant space, which is approximately 2,800 square feet.

SECTION 5. The Planning Commission approves Conditional Use Permit 16-05 based on the findings listed in Section 3 and Section 4 and the conditions listed in "Exhibit D-1".

SECTION 6. The approval of Conditional Use Permit 16-05 by the Planning Commission is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of November 2016.

Sauna Pierce, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on November 21, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT D-1

Conditions of Approval

Conditional Use Permit 16-05

1008 Huntington Drive (Health & Fitness Facility - TNT Fitness Bootcamp)

1. This approval is for the establishment of a health & fitness facility with late night hours at 1008 Huntington Drive as stated in the staff report and described in the applicant's business proposal statement, on file with the Planning Division. The fitness facility shall provide boot camp style training to members only, following the approved class schedule. Martial Arts training or other similar studio classes are not included with the approval of this conditional use permit.
2. The class schedule shall be as outlined in the table below, classes shall be limited to a maximum of 20 people (including instructors), and classes shall contain a maximum duration of 50 minutes. Any request to modify the class schedule, increase the class size, or extend the class duration, shall be reviewed and approved by the Planning Division before implementation. Such changes may be referred to the Planning Commission for review, in which case a new conditional use permit and Planning Commission approval will be required.

Approved Class Schedule	
Monday thru Friday	Saturday
<i>Morning Sessions</i>	
5:00 a.m. to 5:50 a.m.	7:00 a.m. to 7:50 a.m.
6:00 a.m. to 6:50 a.m.	8:00 a.m. to 8:50 a.m.
7:00 a.m. to 7:50 a.m.	9:00 a.m. to 9:50 a.m.
8:00 a.m. to 8:50 a.m.	10:00 a.m. to 10:50 a.m.
9:00 a.m. to 9:50 a.m.	11:00 a.m. to 11:50 a.m.
<i>Evening Sessions</i>	
4:00 p.m. to 4:50 p.m.	-
5:00 p.m. to 5:50 p.m.	-
6:00 p.m. to 6:50 p.m.	-
7:00 p.m. to 7:50 p.m.	-
8:00 p.m. to 8:50 p.m.	-

3. The business owner, and/or representatives shall make a reasonable effort to ensure participants from the previous class leave the facility or parking area in timely manner prior to participants for the following class arriving to avoid any conflicts with parking and circulation, or impacts to neighboring businesses.
4. All health & fitness activities shall be held indoors. Any fitness, training, or other business related activities occurring outdoors in the parking lot or the throughout the shopping center is prohibited. The use of fitness and training equipment outdoors is prohibited.
5. The business owner shall install rubber floors and/or mats in the tenant space to reduce potential noise concerns resulting from the fitness activities or equipment.

6. Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. In no case shall live music be permitted in association with this business or conditional use permit approval.
7. Outdoor speakers or other exterior audible devices are prohibited.
8. In the event of a change in use that does not follow the approved operational characteristics, including the maximum class size, class schedule, class duration, and/or applicant's business proposal, an application for a new CUP may be required.
9. The project shall comply with all regulations of the Commercial-Freeway C-F Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections.
10. Outdoor storage is strictly prohibited.
11. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use shall be reviewed by the Planning Division, and may require an application for a new conditional use permit.
12. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
13. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
14. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
15. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
16. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the health & fitness facility, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

17. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
18. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
19. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
20. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.